

FILED

SEP 12 2013

Clerk, U.S. District Court
District Of Montana
Helena

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

SODJINE PAUL ANATO and
SARAH ANATO,

Plaintiffs,

vs.

USDA RURAL DEVELOPMENT,
LAD BARNEY, CAROL LECHNER,
JOANNE BOWERS, MATT JONES,

Defendant.

No. CV 12-103-GF-SEH

ORDER

On June 27, 2013, this Court adopted United States Magistrate Judge Keith Strong's Findings and Recommendations in this matter, and ordered, *inter alia*, that Plaintiffs' Motion for Preliminary Injunction be denied, and that certain Counts of the First Amended Complaint be dismissed.¹ On July 15, 2013, Plaintiffs filed documents suggesting an intent to appeal the Court's Order,² however no appeal has been filed. On August 5, 2013, Judge Strong entered

¹ Document No. 40

² Document No. 41

further Findings and Recommendations.³ He recommended that this Court certify, under Federal Rule of Appellate Procedure 24(a)(3)(A), that any appeal at this stage of the proceedings would not be in good faith. Plaintiffs filed objections on August 22, 2013.⁴ The Court reviews *de novo* findings and recommendations to which objections are made. 28 U.S.C. § 636(b)(1).

Upon *de novo* review of the record, I find no error in Judge Strong's Findings and Recommendations and adopt them in full.

ORDERED:

1. Any appeal from the portion of the Court's Order of June 27, 2013, denying Plaintiffs' Motion for Preliminary Injunction would not be taken in good faith because the motion is so lacking in merit that no reasonable jurist could disagree with the denial of that motion. Fed. R. App. P. 24(a)(3).

2. Any appeal from the portion of the Court's Order of June 27, 2013, dismissing certain Counts of the First Amended Complaint would not be taken in good faith because the claims asserted in those Counts are so defective that no reasonable jurist could disagree with dismissal, and the appeal would be premature because the dismissal is not a final, appealable decision under 28 U.S.C. § 1291.

³ Document No. 42

⁴ Document No. 43

See Cunningham v. Hamilton County, Ohio, 527 U.S. 198, 204 (1999) (a final order typically ends the litigation on the merits and leaves nothing for the court to do but execute the judgment)

DATED this 12th day of September, 2013.



SAM E. HADDON
United States District Judge